

**2009 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-AB75)**

Received: **06/08/2009**

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Phil Montgomery (608) 266-5840**

By/Representing: **Kristin Ruesch**

This file may be shown to any legislator: **NO**

Drafter: **mkunkel**

May Contact:

Addl. Drafters:

Subject: **Public Util. - telco**

Extra Copies: **JK**

Submit via email: **YES**

Requester's email: **Rep.Montgomery@legis.wisconsin.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Delete police and fire protection fee, except for local government maintenance of emergency service expenditure requirements

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For:

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/?	mkunkel	1/8 jld		6/8			

FE Sent For:

<END>

**Kunkel, Mark**

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**From:** Ruesch, Kristin  
**Sent:** Saturday, June 06, 2009 1:05 PM  
**To:** Kunkel, Mark  
**Subject:** RE: Telco-related Amendments to AB 75 Sub

Mark, I am in the office now, so if you could give me a call at 6-5840 I would appreciate it!

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**From:** Kunkel, Mark  
**Sent:** Saturday, June 06, 2009 11:12 AM  
**To:** Ruesch, Kristin  
**Subject:** RE: Telco-related Amendments to AB 75 Sub

Kristen,

I'm sorry but, given that I have to work a bit this weekend, I left early on Friday, so I wasn't around to discuss the amendment per your voicemail. I'll give you a call Monday am.

-- Mark

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**From:** Ruesch, Kristin  
**Sent:** Friday, June 05, 2009 4:04 PM  
**To:** Kunkel, Mark  
**Cc:** Solie, Denise  
**Subject:** Telco-related Amendments to AB 75 Sub

Drafting Instructions  
Amendments to AB 75 Substitute Amendment

Telco Provisions

*Police and Fire Protection Fee*

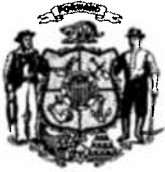
#1. Delete police and fire protection fee except for the language requiring a MOE on the part of locals for emergency protection services.

#2. Ensure the fee appears on phone bills as a line item reading "state general purpose revenue tax"; and repealing the program on June 30, 2011

#3. Sunset the police and fire protection fee and related language found in JFC Motion #700 on June 30, 2011. Also include in the bill language of JFC Motion #85, but delay the effective date to July 1, 2011. (I know you have questions regarding the drafting instructions for Motion 85, and I will work on those next)

*Universal Service Fund*

#1. LFB Paper 657: Include LFB Alternative A2 only



State of Wisconsin  
2009 – 2010 LEGISLATURE

LRBb0483/P3  
MDK&JK:nwn:ph

LFB:.....Olin (FA) – Police and fire protection fee

**FOR 2009-11 BUDGET — NOT READY FOR INTRODUCTION  
ASSEMBLY AMENDMENT ,  
TO 2009 ASSEMBLY BILL 75**

1 At the locations indicated, amend the bill as follows:

82 15 516

2 **1.** Page 346, line 16: after that line insert:

3 “**SECTION 225k.** 20.155 (3) (t) of the statutes is created to read:

072 6-9

4 20.155 (3) (t) *Police and fire protection fee administration.* From the police and

5 fire protection fund, the amounts in the schedule for the costs of administering s.

6 196.025 (6).”.

\*\*\*\*NOTE: The above item assumes that the treatment of s. 20.155 (3) (title) and (q) (title) will remain in the budget. Therefore, this draft may have to be conceptually reconciled with LRBb0312, which may eliminate those treatments.

7 **2.** Page 453, line 23: after that line insert:

8 “**SECTION 665k.** 25.17 (1) (ku) of the statutes is created to read:

392  
16-17

9 25.17 (1) (ku) Police and fire protection fund (s. 25.99);”.

10 **3.** Page 456, line 22: after that line insert:

1 "SECTION 682k. 25.99 of the statutes is created to read:

396 2-11

2 **25.99 Police and fire protection fund.** There is established a separate  
3 nonlapsible trust fund designated as the police and fire protection fund, consisting  
4 of deposits by the public service commission and department of revenue under s.  
5 196.025 (6) (c) 3."

6 **4.** Page 1046, line 21: after that line insert:

994 3-5

7 "SECTION 1835d. 77.51 (12m) (b) 9. of the statutes is created to read:

8 77.51 (12m) (b) 9. The police and fire protection fee imposed under s. 196.025  
9 (6).".

10 **5.** Page 1047, line 17: after that line insert:

995 25-

11 "SECTION 1836d. 77.51 (15b) (b) 9. of the statutes is created to read:

996-2

12 77.51 (15b) (b) 9. The police and fire protection fee imposed under s. 196.025  
13 (6).".

14 **6.** Page 1073, line 10: after that line insert:

15 "SECTION 1900k. 79.07 of the statutes is created to read:

MOE provision

16 **79.07 Expenditures for emergency services. (1)** Except as provided in  
17 sub. (3), beginning in 2010, the amount that each county and municipality spends  
18 each year for emergency services, as defined by the department of revenue, shall be  
19 no less than the amount that the county or municipality spent in 2009 for emergency  
20 services, not including one-time expenses. Each county and municipality shall  
21 report the amount it spent for emergency services in 2009, and the amount of its  
22 one-time expenses, to the department of revenue at the time and in the manner  
23 prescribed by the department.

1           (2) The department of revenue may adjust any amount reported under sub. (1)  
2 to more accurately reflect the amount that the county or municipality submitting the  
3 report spent for emergency services.

4           (3) A county or municipality may decrease the amount it spends for emergency  
5 services below its 2009 amount, with the department of revenue's approval, if the  
6 decrease in expenditures is a result of operating more efficiently, as determined by  
7 the department. For purposes of this section, any decrease approved under this  
8 subsection shall permanently decrease the base amount of expenses for emergency  
9 services provided in the county or municipality requesting the decrease by the  
10 amount of the decrease.

11           (4) If a county or municipality fails to comply with this section, the department  
12 of revenue may reduce the county's or municipality's payment under ss. 79.035 and  
13 79.043, in an amount determined by the department.”.

14           **7.** Page 1317, line 16: after that line insert:

15           “**SECTION 2454k.** 196.025 (6) of the statutes is created to read:

16           196.025 **(6)** POLICE AND FIRE PROTECTION FEE. (a) In this subsection:

17           1. “Communications provider” means a person that provides communications  
18 service.

19           2. “Communications service” means active voice or nonvoice communications  
20 service.

21           3. “Department” means the department of revenue.

22           (b) 1. Except as provided in subd. 2., a communications provider shall impose  
23 a monthly fee of \$0.75 on each communications service connection that the  
24 communications provider provides to a subscriber. A communications provider may

1 list the fee separately from other charges on a subscriber's bill, and if a  
2 communications provider does so, the communications provider shall identify the fee  
3 as "police and fire protection fee." Any partial payment of a fee by a subscriber shall  
4 first be applied to any amount the subscriber owes the communications provider for  
5 communications service.

6 2. A communications provider that offers a prepaid wireless  
7 telecommunications plan, or a retailer that offers such a plan on behalf of a  
8 communications provider, shall impose a fee equal to \$0.38 on each retail transaction  
9 for such a plan that occurs in this state. A communications provider or retailer may  
10 state the amount of the fee separately on a bill for the retail transaction, and if a  
11 communications provider or retailer does so, the communications provider or retailer  
12 shall identify the fee as "police and fire protection fee."

13 (c) 1. Except as provided in subd. 2., no later than the first calendar month  
14 following the calendar month in which a communications provider or retailer  
15 receives from a subscriber a fee imposed under par. (b), the communications provider  
16 or retailer shall remit the fee to the commission.

17 2. The commission may contract with the department for the collection of fees  
18 imposed under par. (b) 2. If the commission and department enter into such a  
19 contract, no later than the first calendar month following the calendar month in  
20 which a communications provider or retailer receives from a subscriber a fee imposed  
21 under par. (b) 2., the communications provider or retailer shall remit the fee to the  
22 department.

23 3. The commission and department shall deposit all fees remitted under subds.  
24 1. and 2. into the police and fire protection fund.

25 (d) The commission may do any of the following:

1 1. Promulgate rules for administering this subsection.

2 2. Bring an action to collect any amount that is required to be remitted under  
3 par. (c).".

4 **8.** Page 1318, line 20: after that line insert:

5 "SECTION 2460g. 196.202 (2) of the statutes is amended to read:

6 196.202 (2) SCOPE OF REGULATION. A commercial mobile radio service provider  
7 is not subject to ch. 201 or this chapter, except as provided in sub. (5), and except that  
8 a commercial mobile radio service provider is subject to s. 196.025 (6). and except that  
9 a commercial mobile radio service provider is subject to s. 196.218 (3) if the  
10 commission promulgates rules that designate commercial mobile radio service  
11 providers as eligible to receive universal service funding under both the federal and  
12 state universal service fund programs. If the commission promulgates such rules,  
13 a commercial mobile radio service provider shall respond, subject to the protection  
14 of the commercial mobile radio service provider's competitive information, to all  
15 reasonable requests for information about its operations in this state from the  
16 commission necessary to administer the universal service fund.

17 SECTION 2460r. 196.203 (1) of the statutes is amended to read:

18 196.203 (1) Alternative telecommunications utilities are exempt from all  
19 provisions of ch. 201 and this chapter, except as provided in this section, and except  
20 that an alternative telecommunications utility is subject to s. 196.025 (6). and except  
21 that an alternative telecommunications utility that is a local government  
22 telecommunications utility, as defined in s. 196.204 (5) (ag) 1., is subject to s. 196.204  
23 (5).".

24 **9.** Page 1323, line 18: after that line insert:



1           **"SECTION 2745k.** 196.499 (1) (intro.) of the statutes is amended to read:

2           196.499 **(1)** SCOPE. (intro.) Notwithstanding any other provisions of this  
3 chapter, a telecommunications carrier is not subject to regulation under this chapter,  
4 except for s. 196.025 (6), and except under each of the following provisions:".

5           **10.** Page 1703, line 12: after that line insert:

6           “(1u) TRANSFER TO GENERAL FUND.

7           (a) For purposes of making the county and municipal aid payments under  
8 sections 79.035 and 79.043 of the statutes, as affected by this act, the secretary of  
9 administration shall transfer in fiscal year 2009–10 all moneys in the police and fire  
10 protection fund, not including the amount appropriated under section 20.155 (3) (t)  
11 of the statutes, as created by this act, to the general fund.

12           (b) For purposes of making the county and municipal aid payments under  
13 sections 79.035 and 79.043 of the statutes, as affected by this act, the secretary of  
14 administration shall transfer in fiscal year 2010–11 all moneys in the police and fire  
15 protection fund, not including the amount appropriated under section 20.155 (3) (t)  
16 of the statutes, as created by this act, to the general fund.”.

17           **11.** Page 1737, line 22: after that line insert:

18           “(1m) POLICE AND FIRE PROTECTION FEE. The treatment of sections 20.155 (3) (t),  
19 25.17 (1) (ku), 25.99, 77.51 (12m) (b) 9. and (15b) (b) 9., 196.025 (6), 196.202 (2),  
20 196.203 (1), and 196.499 (1) (intro.) of the statutes takes effect on October 1, 2009,  
21 or on the first day of the 3rd month beginning after publication, whichever is later.”.

22           (END)



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBb0737/1

MDK:.....

jd

ASSEMBLY AMENDMENT ,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2009 ASSEMBLY BILL 75

- 1 At the locations indicated, amend the substitute amendment<sup>✓</sup> as follows:
- 2 **1.** Page 82, line 15: delete lines 15 and 16.<sup>✓</sup>
- 3 **2.** Page 272, line 6: delete lines 6 to 9.<sup>✓</sup>
- 4 **3.** Page 392, line 16: delete lines 16 and 17.<sup>✓</sup>
- 5 **4.** Page 396, line 7: delete lines 7 to 11.<sup>✓</sup>
- 6 **5.** Page 994, line 3: delete lines 3 to 5.<sup>✓</sup>
- 7 **6.** Page 995, line 25: delete the material beginning with that line and ending<sup>✓</sup>
- 8 with page 996, line 2.
- 9 **7.** Page 1320, line 6: delete the material beginning with that line and ending<sup>✓</sup>
- 10 with page 1321, line 18.
- 11 **8.** Page 1321, line 22: delete "~~s. ss. 196.025 (6)~~," and substitute "ss.".<sup>✓</sup>

1           **9.** Page 1322, line 5: delete “196.025 (6), 196.218 (3),” and substitute “196.218  
2       (3)”.

3 **10.** Page 1322, line 6: delete lines 6 to 12. ✓

4 **11.** Page 1323, line 12: delete lines 12 to 15. ✓

5           **12.** Page 1855, line 22: delete the material beginning with that line and  
6           ending with page 1856, line 7.

7 **13.** Page 1894, line 21: delete lines 21 to 24. ✓

8 (END)